

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:14-cv-265**

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|-------------------------------|---|--------------|
| FARM WORKS, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | ORDER |
| NORTH CAROLINA CHARTER |) | |
| COMMUNICATIONS, INC., |) | |
| |) | |
| Defendant. |) | |
| |) | |

THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction. Charter Communications, Inc. who has responded to the Plaintiff's Complaint and who further contends has been improperly identified in the Complaint as North Carolina Charter Communications, Inc., removed this action from state court based upon diversity jurisdiction (#1). In the Complaint, Plaintiff alleges that Farm Works, LLC is a Limited Liability Corporation authorized to conduct business in the state of North Carolina.

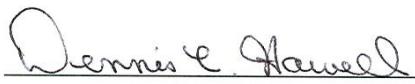
Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28

U.S.C. §1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). In the Notice of Removal there is no description as to the constitute members or partners of the Plaintiff and therefore the Plaintiff will be required to do so.

ORDER

IT IS, THEREFORE, ORDERED that on or before **January 16, 2015**, the Plaintiff shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of Farm Works, LLC and for any such constituent members or partners that are limited liability companies or partnerships, to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: January 5, 2015



Dennis L. Howell
United States Magistrate Judge
